



**City of Seattle**  
Edward B. Murray, Mayor

**Department of Construction and Inspections**  
Nathan Torgelson, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Application Number:** 3023750  
**Applicant Name:** Robert Humble  
**Address of Proposal:** 201 Euclid Avenue

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a single family residence in an environmentally critical area.

The following approval is required:

**ECA Variances** – To allow disturbance within a steep slope area, steep slope buffer, and a reduced front yard. (SMC 25.09.180.E)

**BACKGROUND DATA**

Site and Vicinity

The site located at 201 Euclid Ave is 8,109 sq. ft. and slopes up approximately 54 feet from the street to the rear of the lot. The subject property and all of its neighbors are zoned Single Family (SF 5000). A majority of the neighborhood is developed on steeply sloping lots similar to the applicant's.

Description of Proposal

The applicant requests approval to build a 3,500 sq. ft. single-family residence within the steep slope buffer, steep slope Environmentally Critical Areas (ECA) and



front yard. The applicant proposes to disturb 27.5% of the steep slope where a variance allows up to 30%. They are also requesting a front setback reduction in order to limit steep slope disturbance. The required front setback for this home is 9' 5". Normally the front setback in the SF 5000 zone is 20. However, homes with steep slope ECAs may use the following code provision to determine their allowed setback: *SMC 23.44.014.A (2) On any lot where the natural gradient or slope, as measured from the front line of the lot for a distance of 60 feet or the full depth of the lot, whichever is less, is in excess of 35 percent, the required front yard depth shall be either 20 feet less one foot for each one percent of gradient or slope in excess of 35 percent, or the average of the front yards on either side, whichever is less.* The applicant is reducing their setback by 1' 9 3/4" for a second floor deck. The project is exempt from SEPA review as it is a single-family residence with less than 9,000 sq. ft. of site disturbance.

### Public Comment

The public comment period ended on May 11, 2016. The following comments were received:

- The project could block the street during construction
- Many trees will be removed if the home is approved
- The noticing map makes Euclid look wider than the actual pavement width
- Spruce and Euclid are substandard and construction equipment may damage the street
- There is a parking shortage in the neighborhood and the new home and its construction will make the problem worse.
- The proposed home is too close to the street and the house to the north.
- Removal of slope stabilizing vegetation
- Additional drainage run-off
- Sewer hook-up will limit access to nearby homes
- Wildlife habitat will be reduced through removal of vegetation
- The geotechnical report did not adequately address the presence of groundwater
- Construction vehicles could damage private retaining walls
- The new home will negatively impact the privacy to adjacent neighbors

### Environmentally Critical Areas Regulations

General requirements and standards are described in Section 25.09.060 of the ECA ordinance (SMC Chapter 25.09). SMC Section 25.09.180 provides specific standards for all development on steep slopes and steep slope buffers on existing lots, including the general requirement that development shall be avoided in these areas whenever possible. Trees and vegetation standards are found at SMC 25.09.320.

### ANALYSIS - VARIANCE

The applicant has requested variances from two requirements of the environmentally critical areas ordinance: ECA Variance to disturb a steep slope buffer and ECA Variance to disturb a steep slope.

***SMC 25.09.180.E. Steep Slope Area Variance.***

- 1. The Director may reduce the steep slope area buffer and may authorize limited intrusion into the steep slope area and steep slope buffer to the extent allowed in subsection E2 only when the applicant qualifies for a variance by demonstrating that:***

- a. the lot where the steep slope or steep slope buffer is located was in existence before October 31, 1992; and***

The application includes a copy of the property's short plat from 1976 showing the lot in its current configuration.

- b. the proposed development otherwise meets the criteria for granting a variance under Section 25.09.280B, except that reducing the front or rear yard or setbacks will not both mitigate the hardship and maintain the full steep slope area buffer.***

The proposal meets the criteria of 25.09.280B. The applicant is seeking to reduce the front setback variance by 1' 9 3/4". Nearly the entire lot is comprised of steep slope ECA. Even with a 100% reduction in the front setback a home would be located within the steep slope area and buffer.

- 2. If any buffer reduction or development in the critical area is authorized by a variance under subsection E1, it shall be the minimum to afford relief from the hardship and shall be in the following sequence of priority:***

- a. reduce the yards and setbacks, to the extent reducing the yards or setbacks is not injurious to safety;***

The applicant is reducing the front setback by 1' 9 3/4" to move the home as far out of steep slope ECA as possible.

- b. reduce the steep slope area buffer;***

Nearly the entire site is steep slope area. The areas of steep slope buffers on property are only two isolated areas within the property. The home is situated on one of these buffer, so that buffer is being eliminated and the second are is not being disturbed.

- c. allow an intrusion into not more than thirty percent (30%) of the steep slope area.***

The area of steep slope disturbance on the site plan of approximately 27.5% is less than 30% and allows for the applicant to have a regular and functional building site.

3. *The Director may impose additional conditions on the location and other features of the proposed development as necessary to carry out the purpose of this chapter and mitigate the reduction or loss of the yard, setback, or steep slope area or buffer.*

Grading is minimized by the home's proposed orientation and depth. The applicant is not proposing excessive retaining walls that would create artificial flat expanses for recreation areas.

The proposed residence is designed to be minimally intrusive into the ECA and buffer, with a total steep slope ECA disturbance of 27.5%. Disturbed areas will be required to be re-vegetated with native vegetation as an ECA code requirement. A final review of the plantings will occur with the building permit. A non-disturbance area covenant is required by the ECA code and will be required for all areas not included in the 27.5% disturbance area.

Conditions requiring a landscape plan for revegetation and a non-disturbance covenant insure site integrity after the home has been constructed. Grading and drainage will be reviewed with the associated building permit. No additional mitigation or conditions are warranted.

***SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:***

1. *The lot has been in existence as a legal building site prior to October 31, 1992.*

The application includes a copy of the property's short plat from 1976 showing the lot in its current configuration.

2. *Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of [Title 23](#) would cause unnecessary hardship; and*

The entire lot is encumbered by either steep slope area or buffers. Any front setback causes the home to be pushed further back into the subject property, creating more disturbance. The 9' 5" feet required by the code would drive the amount of steep slope disturbance beyond the 30% allowed by the ECA variance process. This would require an ECA exception a more difficult threshold for development.

3. *The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and*

This criterion is not applicable as there is no riparian management area or required buffer on-site.

4. *The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and*

The reduced front setback will not be injurious to safety. Euclid Ave. is a narrow dead-end road.

The lack of through traffic means the garage being located closer to the road will not present the same level of safety concern for a car backing out as a collector or arterial roadway. Slope stability is being reviewed by the City's geotechnical engineer and will be further reviewed during the building permit phase of the project.

5. *The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and*

A setback reduction of 1' 9 ¾" is requested from the required front setback of 9' 5". Homes in the neighborhood are setback from the street at a variety of distances. There is no consistent character and the ages of the homes may reflect different zoning standards in place during the year of construction. The street is narrow with no curb, gutter, or sidewalks. Homes in the vicinity are one, two, and three stories in height in a variety of architectural styles. The neighborhood is heavily vegetated and the applicant's proposed home has a small footprint limiting the amount of disturbance. The arborist report notes no exceptional trees will be removed.

6. *The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.*

The intent of the ordinance is to promote the health, safety, and welfare of the general public through protecting critical ecologic features. The proposal is for a single-family residence on a site with no code conforming area for development. A Geotechnical Review was done as a part of the requested steep slope variance. A building permit will be required in which structural engineering and site drainage will be reviewed to insure safety and ecological integrity are preserved.

#### **ECA CONDITIONS:**

1. The owner and/or responsible party shall provide a signed and notarized ECA Covenant prior to issuance of the MUP, to the Land Use Planner for recording. Addendum A of the covenant shall include a site plan with hatching to indicate the area identified as the non-disturbance area by the survey and install the permanent visible ECA markers established at the edge of the non-disturbance area ECA (in accordance with instructions contained in Director's Rule 4-2007).

2. A tree and revegetation landscape plan prepared by a landscape professional to include mitigation for proposed vegetation removal, consistent with SMC 25.09180.D and 25.09.320.B must be reviewed and approved prior to issuance of the Building Permit. This revegetation landscape plan will be integrated into building permit.

**DECISION – STEEP SLOPE VARIANCE, STEEP SLOPE BUFFER AND FRONT SETBACK REDUCTION:**

**GRANTED.**

Josh Johnson, AICP, Land Use Planner \_\_\_\_\_ Date: September 19, 2016  
Seattle Department of Construction and Inspections

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.